

FARMINGTON CITY COUNCIL MEETING

Wednesday, November 4, 2009

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula Alder, Sid Young, Cory Ritz, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes, and Recording Secretary Kami Mahan.

The City Council met at the City offices at 5:30 p.m. and took a field trip to tour the newly remodeled Fire Station. They returned to the east conference room at approximately 6:00 p.m. and the work session commenced with **Sid Young** offering an invocation. The following items were then reviewed:

(Agenda Item #2): Reading and Approval of Minutes -

The Council reviewed the minutes of the October 20, 2009, City Council meeting and made several changes.

(Agenda Item #3): Parks & Recreation Department Report - Neil Miller

- **Dinner Theater Report**
- **Authorization to Apply for “Tree City USA”**

Mayor Harbertson reported that Parks and Recreation Director Neil Miller would be present to provide details regarding these items.

(Agenda Item #4): Planning Commission Report

Mayor Harbertson stated that there would not be a report since no Commission meeting was held.

(Agenda Item #5): Public Hearing: (Continued) Consideration of Ordinance rezoning a portion of the Farmington Jr. High site at approximately 150 South 200 West from LR (Large Residential) to BP (Business Park) to accommodate the relocation of a billboard on Davis School District property adjacent to I-15.

David Petersen gave a brief outline of this item.

(Agenda Item #6): (Public Hearing): Consideration of Ordinance listing Clark Lane Historic District on the City’s Historic Landmark Register and designating the Historic District as an Historic Resource.

David Petersen explained that the neighbors in this area did their own reconnaissance and the majority of residents were in favor of the ordinance. **Mr. Petersen** passed out a copy of a Memorandum regarding the clarification of terms related to the Farmington Historic Landmarks Register, and reviewed its contents. The Council discussed the restrictions the ordinance would put on owners of historic homes. **Mr. Petersen** pointed out the high visibility of the neighborhood, and said it's important to stabilize the property values and make it a great neighborhood.

In response to a question, **Glenn Symes** clarified that the ordinance would be an overlay rather than a zoning issue. The Lagoon-owned homes in the neighborhood were discussed, as well as the concerns of those are opposed to the ordinance. **David Petersen** noted that the current ordinance does not have the teeth needed to protect the area properly. **Mayor Harbertson** stated that his concerns are the restrictions on demolition and possible citizen outcry if UDOT eventually widens the road. The appeal process of demolition was briefly reviewed.

Max Forbush noted that he learned at a conference on historic preservation that historic properties should be stabilized over time in order to prevent further deterioration. He said deteriorating neighborhoods create crime and other problems. **Mr. Petersen** suggested that a fund be established for low interest loans or grants to maintain properties in the zone. He said this is available from the National Register fund, and a home only has to be included the National Registry to qualify. The Council discussed the Lagoon-owned home which has been vacant for 14 years.

Resident **Dorothy Arnold** arrived to deliver a note giving her views since she could not attend the meeting, and was invited to share her thoughts. **Ms. Arnold** expressed her strong support of the ordinance. She said she wants a way to compel Lagoon to either sell or fix up its vacant property. She noted that the home used to be the most elegant on the street, but because of its disrepair it has attracted unsavory elements, although she noted that other Lagoon-owned homes have been well-maintained. In response to inquiry, **Ms. Arnold** indicated that she does not feel imposed upon concerning maintaining her property to comply with historic preservation standards. She commented that if people don't want a home in the historic district they should not buy there. **Max Forbush** noted that if a home in the Historic District is in bad shape and notice is sent to owners to make repairs but they have no money, the public cry for enforcement will place added pressure on public officials to do something.

David Petersen read from the Farmington Historic Landmarks Register 11-39-105 (5) regarding this issue, and said that in most neighborhoods, citizens can go after an owner, but that in an OTR zone this is not the case. **Max Forbush** said the Council needed to consider how it values historic preservation, and whether it is important enough to pass an ordinance to protect these homes and areas. **David Petersen** expressed that, if given the opportunity, the Council should always think in terms of what can be done to make Farmington distinctive.

David Petersen passed out copies of a recent email from a citizen in favor of protecting the historic district.

(Agenda Item #7): Consideration of Plat Amendment Request/Final Plat Approval Request for

a two-Lot Subdivision in Hunter's Creek, Phase 2, Subdivision.

It was explained that the applicant wants to subdivide this parcel, and Lot 238 will be used for a right-of-way in the future. The matter was briefly discussed and proposed motions were clarified.

(Agenda Item #8): City Manager's Request for hiring a part-time intern.

Max Forbush explained that he would like to hire a University of Utah student and former resident of Farmington for an internship that among many tasks would focus on code enforcement, which is needed due to Farmington's growth. He wants the process studied to determine what kind of investment this will take. It was suggested that similar cities be evaluated on their code enforcement.

[City Engineer **Paul Hirst** arrived at the meeting at 6:50 p.m.]

The work session ended at 6:58 p.m.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Paula Alder, Sid Young, Cory Ritz, City Manager Max Forbush, City Planner David Petersen, Assistant Planner Glenn Symes, Engineer Paul Hirst, City Recorder Margy Lomax, and Recording Secretary Kami Mahan. Youth City Council Member Lexie Nelson also sat on the Council.

Mayor Harbertson called the meeting to order at 7:02 p.m. He welcomed Scout Troops 1091 and 885 who were present. He also noted the election of Jim Talbot and John Bilton, the two new Council members, and acknowledged **Paula Alder** and **David Hale**, whose terms will expire at the end of the year.

Rick Dutson offered the invocation. The Pledge of Allegiance was led by **Soren Peterson**.

APPROVAL OF MINUTES OF PREVIOUS MEETING (Agenda Item #2)

The minutes of the October 20, 2009, City Council meeting were reviewed during the work session.

Motion

Cory Ritz moved to approve the minutes of the meeting held October 20, 2009, with changes as noted. **David Hale** seconded the motion, which was approved by Council members **Ritz, Hale, Young, Alder,** and **Dutson**.

PARKS & RECREATION DEPARTMENT REPORT - NEIL MILLER (Agenda Item #3)

- **Authorization to Apply for “Tree City USA”**

Mayor Harbertson welcomed Parks and Recreation Director **Neil Miller**, who explained that an application was submitted for “Tree City USA” designation, which allows the department to apply for grants. He noted that an Arbor Day activity was held on April 18th, and that Girl Scouts planted trees along the 400 West trail south of Lagoon. **Mr. Miller** said the department would like to continue this tradition on the third Saturday in April. When this is in place they can apply for the “Tree City USA”. The standards for application require having a program, a tree ordinance, and to spend two dollars per person. To date approximately \$68,000 has been spent. That amount of money also includes City environmental efforts such as the annual spring cleanup.

Motion

Rick Dutson moved to authorize Neil Miller to apply for a “Tree City USA” award. The motion was seconded by **David Hale**, and passed with Council members **Alder, Dutson, Young, Hale**, and **Ritz** voting unanimously in favor.

- **Dinner Theater Report**

Neil Miller reported that 403 people were served at the dinner theater. The event was catered by Holy Smoke at a cost of \$1,300 for the meat. He said the event made \$1,700, and that the play was great. **Paula Alder** noted that this was much less work than in previous years. **Rick Dutson** commented that the Halloween party held at the Community Center was professional, clean, and well attended.

Neil Miller distributed copies of a new fee schedule for the soccer program. He noted that spring and fall programs have not previously been offered together, and a discount will be given for signing up for both. He said they want it affordable for everyone who wants to participate. The fees were briefly discussed. This matter will be brought back to the Council after the first of the year.

Cory Ritz commented that the non-resident fee change is larger than the resident fee. **Mr. Miller** said it is a fifteen dollar difference, and they felt there is not enough impact from non-residents to justify charging more. The **Mayor** pointed out that the non-residents are primarily the youngest kids. **Mr. Miller** added that Farmington is the only city in the area that lets three-year olds play soccer, and that Centerville residents have their children play here the first year and then return to their own city to continue play.

PLANNING COMMISSION REPORT (Agenda Item #4)

No report was given since a Commission meeting was not held

PUBLIC HEARING: (CONTINUED) CONSIDERATION OF ORDINANCE REZONING A

PORTION OF THE FARMINGTON JR. HIGH SITE AT APPROXIMATELY 150 SOUTH 200 WEST FROM LR (LARGE RESIDENTIAL) TO BP (BUSINESS PARK) TO ACCOMMODATE THE RELOCATION OF A BILLBOARD ON DAVIS SCHOOL DISTRICT PROPERTY ADJACENT TO I-15. (Agenda Item #5)

Mayor Harbertson introduced this item, and **Paula Alder** asked why a half acre was needed. **Dave Petersen** replied that the whole area is sixteen acres, and a half acre is the size of a parcel in the BP zone.

Public Hearing

Mayor Harbertson opened the public hearing at 7:17 p.m. There were no speakers, and the hearing was closed.

The **Mayor** noted that this issue was reviewed at the last meeting.

Motion

A motion was made by **Sid Young**, and seconded by **Cory Ritz**, to adopt the ordinance. The motion passed by a unanimous vote, with Council members **Ritz, Young, Hale, Dutson, and Alder** voting in favor.

(PUBLIC HEARING): CONSIDERATION OF ORDINANCE LISTING CLARK LANE HISTORIC DISTRICT ON THE CITY'S HISTORIC LANDMARK REGISTER AND DESIGNATING THE HISTORIC DISTRICT AS AN HISTORIC RESOURCE. (Agenda Item #6)

Mayor Harbertson recused himself in this matter due to his ownership of a home in the historic district. He turned the meeting over to **Mayor Pro Tem Rick Dutson** to conduct. **Mr. Dutson** commented that the **Mayor** ran unopposed in the recent election and said he has done a great job. He also welcomed Council member-elect John Bilton who was present.

David Petersen reviewed the history of how the historic preservation ordinance came into existence. He referred to information in the Council packet which shows that nineteen owners are in favor of the ordinance, five are opposed, and two could not be contacted, which gives an overall result of 75% in favor. **Mr. Petersen** displayed an overhead aerial view of the neighborhood showing the location of the homes, with those in favor in blue and the opposed in red. He said neighborhood meetings had been held without much participation. He reviewed the summary of the neighborhood opinion survey and the timeline table in the packet and clarified that the terms "contributing" and "non-contributing" homes are a national and not a local designation. He said staff is recommending adoption

of this ordinance.

Rick Dutson requested that those speaking during the public hearing keep their comments professional and polite.

Public Hearing Opened

Mayor Pro Tem Rick Dutson opened the meeting to a public hearing at 7:23 p.m.

Alyssa Revell, Chair of the Farmington Historic Commission and a resident of the historic district, reviewed a short history of the development of the historical protection ordinance. She said Clark Lane was designated as the first National Historic District in Davis County, and has homes built from the 1850's to the 1990's. It was the first neighborhood to request designation on the Landmarks Register. **Ms. Revell** read from a letter from the State Historic Preservation office concerning the City's intentions and duties in regard to historic preservation. She said there needs to be balance, and that currently homeowners can do anything they want to a property. The National Register designation is an honorary one, and allows owners to seek help, but there is no protection. Those powers are reserved to the City. The proposed ordinance will allow the City to provide that protection. She is asking that the City now implement this ordinance which gives the tools to give good historic protection.

Dave Burnheisel, a 26 year resident and member of the Historic Preservation Commission, said that Farmington has a brand of 1847 settlement, and a legacy. He said the City has tried to promote this in such things as its logos and rock on public buildings, and that we need to maintain the history. He said this is a small part of town, it is historic, and that protection is needed for these historic homes so that there is still a part of the City that has the legacy we are so proud of.

Vik Arnold, 340 West State Street, said he purchased his home in 1979 and restored it to its original structure. He said Farmington had a uniqueness not found in other areas, and years ago he became involved in a committee to give input into the City's master plan. That committee led to a decision not to allow commercial zones in the historic district, as well as to the rock work on the current City Hall. He supports the ordinance. He said that by the time the public recognizes a treasure, it is sometimes too late. He wants the treasure to remain here in Farmington.

Charles Clark, 368 West State Street, said he has the original Ezra T. Clark home, and he wants to preserve the character of the neighborhood. He said he read the letter from the Lagoon Corporation, and disagrees with the statement made by Lagoon that fixing up a home is a difficult burden. He said Lagoon recently came up with money within days to buy a particular home in the neighborhood. He said historically the Freed family has been kind and beneficial to the City. He does not understand their opposition to the ordinance. He has concerns about two homes in the area, one of which is not occupied and fallen into disrepair. **Mr. Clark** also disagrees with Lagoon's statement that the homes are not important, and said these are turn-of-the-century homes. He hopes the City Council helps preserve the neighborhood. He said this is not a hardship for Lagoon, and that if anyone has a difficult burden, it is

those on a limited income.

David Freed of Lagoon, said they are in favor of historic preservation, but it should be their choice. He said they have spent a lot of money preserving many homes in Farmington, and that if their motives are questioned by **Mr. Clark**, they can talk. He said they want the neighbors to get anything and everything they want, but Lagoon does not want to be forced to comply with standards.

Public Hearing Closed

Mayor Pro Tem Dutson closed the hearing at 7:44 p.m.

Mr. Dutson stated that it was downtown Farmington that drew him and his wife to the area, and he wants to help preserve that feeling for future generations. He opened the matter up to the Council for discussion.

Sid Young noted that the City works hard to be fair in these processes, and it is important to have both property rights and good vision. He said the ordinance provides homes with regard to tax and grant benefits, it watches the maintenance process of buildings, and it provides a process that protects homes against avoidable demolition. He agrees that historical preservation is what he and many people relate to Farmington. He commended Lagoon for all it has done for the community and for its desire to own homes in the area, and he agreed it is important that property owners are able to choose what they do. But he is baffled and concerned by the Lagoon-owned home that has become so dilapidated.

Rick Dutson requested that the following items dated November 4th, 2009, be included in the public record: the email from Jack W. Newton, the Memorandum and email from **David Petersen**, an email from **Alyssa Revell**, and a note brought in by Dorothy Arnold during the work session.

Paula Alder said that although she has generally been opposed to forcing people to do things, letting properties fall into disrepair disrespects neighbor's rights. She is concerned with the unoccupied home owned by Lagoon.

Dave Hale commented how much people enjoy Lagoon, particularly the old buildings that Lagoon has brought into Pioneer Village at no small expense. He spoke about recent personal experiences that demonstrate the importance of preserving things of historical value. He said not every artifact needs to be preserved, but sometimes we need to have the stories. He appreciates the Freed family and the preservation they have done. He thinks overall we need to think in terms of what the ordinance can do to enhance and protect. He commended those who have preserved their homes and said others should be encouraged to do so.

Cory Ritz said that during his time on the Planning Commission, the demolition of a potentially historic home was an issue. By the time a decision was made the home was gone. He said the areas of Main Street, State Street, and 650 West, along with the quality of life, are also what drew them to

Farmington. He said he is very much for property rights and has been hesitant to put undue restrictions or burdens on property owners. He said he was impacted by a comment made by Dorothy Arnold during the work session that there is a responsibility to a home by those who move into a historic district. He said purchasing a home and leaving it vacant is a choice, but if left vacant, there is a responsibility to see that it does not fall into disrepair. **Mr. Ritz** noted the architecture of various buildings such as the Rock Hotel and the Rock Church, and said the National Historic Designation does not give the City any teeth to preserve what it says it values. He said only a municipal ordinance will allow this, and it is appropriate to put it in place.

David Hale pointed out that the ordinance is not without an appeal process for those who are asked to do something they don't want to do. **Sid Young** noted the importance of the Historic Commission and City Council working together and being wise in how the ordinance is applied. **Rick Dutson** said **Dal Freeman** contacted him after the last public hearing about having an opt-out option, but **Mr. Dutson** feels that there should either be an historic district or not. He said **Mr. Freed** and others likely favor historic preservation, but disagree with the method of implementation. He said historic preservation is the City's signature, and it is important to keep in mind the greater good. He said this ordinance will give teeth, and those opposed have the appeal process.

Motion

Cory Ritz moved to adopt the ordinance, and **Paula Alder** seconded the motion. A roll call vote was taken, and Council members **Ritz, Hale, Young, Alder,** and **Dutson** voted in favor.

Mayor Harbertson resumed his seat on the Council.

CONSIDERATION OF PLAT AMENDMENT REQUEST/FINAL PLAT APPROVAL REQUEST FOR A TWO-LOT SUBDIVISION IN HUNTER'S CREEK, PHASE 2, SUBDIVISION. (Agenda Item #7)

Mayor Harbertson explained that an excess acre was left after the LDS building was built, so the applicant wants to vacate the parcel and subdivide it into two lots. This item was reviewed during the work session and with no further discussion a motion was made.

Motion

David Hale made a motion to vacate the property. **Rick Dutson** seconded the motion which passed unanimously by Council members **Alder, Hale, Dutson, Ritz,** and **Young.**

Glenn Symes stated that this item was noticed, a public hearing held at the Planning Commission a month ago, and notice was sent to everyone in the Phase 2 subdivision plat. He said if no one objects during the protest period then no public hearing is required at the City Council meeting.

Motion

David Hale moved to approve the plat amendment and the final plat. The motion was seconded by **Rick Dutson** and approved by Council Members **Dutson, Hale, Young, Alder, and Ritz**.

Mayor Harbertson welcomed Youth City Council member **Lexie Nelson**.

CITY MANAGER’S REQUEST FOR HIRING A PART-TIME INTERN. (Agenda Item #8)

The **Mayor** reported that an intern has been requested by **Max Forbush**. The intern will work part time on several projects, to include no more than 280 hours altogether at a rate of \$10/hour, and that this will be covered by Section 10-670-120 of the budget as shown in the packet. He said this will benefit this City as well as another city in the future. This item was reviewed during the work session.

Motion

David Hale moved to approve this request. **Paula Alder** seconded the motion, which was approved by Council Members **Ritz, Hale, Young, Ritz, and Dutson**.

MINUTE MOTION APPROVING SUMMARY ACTION LIST. (Agenda Item #9)

- **Ratify Construction Bond and Storm Water Bond Agreements previously signed by Mayor Harbertson.**
- **Approval of September’s Disbursement list.**
- **Approval of City’s Manager’s rewrite of S.I.D. “Notice of Default” Letter.**

Mayor Harbertson briefly reviewed the Summary Action items. Regarding the “Notice of Default” letter, **Max Forbush** said that several years ago the City had struggles with citizens not paying their S.I.D. (Special Improvement District) assessments. City attorneys had advised the City to send a tough letter, which has been the pattern until now. A letter was recently sent to a citizen who was late with one payment, and the resident objected to the strong language. The letter is now being modified, as shown in the packet. **Rick Dutson** said he had a couple of suggestions for the letter, which he passed on to **Mr. Forbush**.

Council members expressed their agreement with the wording change. **Paula Alder** noted a comment she received from a resident regarding a letter on snow removal, and asked **Max Forbush** to check that letter as well.

Motion

Sid Young moved to approve the Summary Action list, including the suggestions made by **Rick Dutson** to the letter as revised. The motion was seconded by **Rick Dutson**, and was unanimously

approved by Council Members **Dutson, Alder, Young, Ritz, and Hale**

LEASE AGREEMENT WITH NATHAN CREER PERTAINING TO CITY'S LEASE OF CITY HORSE PASTURE ON 500 SOUTH AND ADJACENT TO UTA RIGHT-OF-WAY (FORMERLY D&RGW RIGHT-OF-WAY. (Agenda Item #10)

Mayor Harbertson said the City has considered leasing out a parcel of City-owned land, and that resident **Nate Creer** has two horses he would like to pasture on the property. **Mr. Creer** verified that he will watch the property and remove his horses if it begins to deteriorate. **Mr. Creer** will pay \$100 per acre per year (\$130 per year). **Rick Dutson** asked **Mr. Creer** to be sensitive to water usage on the property, which has been over-watered in the past. **Mr. Creer** agreed. **Mr. Dutson** also asked if the City has an obligation to advertise to the general public. **Mr. Forbush** said he would check with the attorneys but did not think there was a problem. **Mr. Creer** asked what the City's long-term plan is for the property, and **Mayor Harbertson** said it would eventually become a basin.

Motion

A motion was made by **Rick Dutson** to approve the lease agreement. **Dave Hale** seconded the motion, which passed by a unanimous vote. Council members **Hale, Dutson, Ritz, Alder, and Young**.

Resident **Jeremy Young**, who owns one of the horses, asked if the parcel could be leased for more than a one year period. **Max Forbush** replied that **Mr. Creer** does not need to come back before the Council, but can renew the lease with a member of City staff each year.

TRANSPORTATION IMPACT FEE DISCUSSION. (Agenda Item #11)

Mayor Harbertson stated that numerous projects need to be developed, most of which are in the quadrant of the "Golden Triangle" area in the next six to ten years. He said State law requires that the City have a plan. Projects cannot be designated beyond the 6-10 year period. City engineers evaluated the situation and have determined a figure of over 23 million dollars in projects during this period. If this is the case, impact fees will more than double. The **Mayor** said there may be possible cost adjustments on some projects, which will have an effect on impact fees, and that this will be evaluated further.

In response to questions from Council members, **Max Forbush** said that if projects are not built, the City will be required to pay back the money. He said projects must be on the capital facilities list. He added that most costs on projects are focused around the "swoop" area. **Mr. Forbush** said the 23 million estimate seems high, and that he would like to review each project in detail to ensure development of adequate and accurate cost estimating. He said the City Attorney has assured him that the process for determining the fee calculations is being done correctly.

Rick Dutson said he was glad this is being addressed because the consequences can be serious if not done correctly. **Mr. Forbush** said he was confident they followed the impact fee laws, and that only last year did the legislatures put a new requirement on cities to actually file a report.

In response to a question, **Mr. Forbush** stated that the City needs to be reviewing these every three to four years. **David Hale** said he's learned it's important not to rely on future tax base to finance future expansion areas. **Max Forbush** said the Sewer District and Benchland are now opposing additional fees. He said increasing costs are coming in the future, with transportation being the major one. Mr. Forbush is suggesting the scheduling of a public hearing in December.

Rick Dutson asked how construction costs are projected when they are subject to major change. **Mr. Forbush** responded that this is why the fees need to be redone every two to three years. **Paul Hirst** said they are running average costs, but there are always contingencies. **Mr. Forbush** said that determining the right methodology for estimating project costs was a policy decision the Council needs to make.

This was a discussion item only and no action was taken.

WATER RIGHTS PURCHASE AGREEMENT WITH GENE WHEADON TRUST. (Agenda Item #12)

Mayor Harbertson reviewed this item, and said **Paul Hirst** has been working on this matter for a couple of years. The updated agreement was not ready, but **Max Forbush** advised moving forward since money is budgeted and the opportunity was open. **David Hale** noted that time is of the essence.

Motion

David Hale made a motion to move ahead with the purchase of the water rights, and to have the Mayor Pro Tem sign the agreement, pending review with the City Manager. The motion passed unanimously with Council members **Hale, Alder, Ritz, Young,** and **Dutson** voting in favor.

DRAFT AGREEMENT - DEAN COOK "STATION PARKWAY" STREET DEDICATION. (Agenda Item #13)

Copies of the updated agreement were distributed, and **Max Forbush** said this agreement proposes that the City give Dean Cook an impact fee credit for the value of the land dedicated to the City. He noted that there would be some differences, and referred to Section 3 of the agreement, "Consideration of Impact Fee Credits" stating that the City will owe \$221,000 in credits.

He reviewed Section 4 a.(i) and (ii) of the agreement regarding the "The City's Responsibility" to install a culvert and culinary water line. He said when the City builds the road down Park Lane going to the Promenade, it will have full improvements to provide access to the apartment complex, and then

will continue with 29 feet of pavement paid for by the City. Mr. Cook will then finish the road, curb and gutter, and the asphalt. **Mr. Forbush** said he wants the Council to evaluate the proposal for fairness.

Mr. Forbush then reviewed Section 4 b. (i), (ii), (iii), (iv), and (v) “Cook’s Responsibility”. In response to a question, **Mr. Forbush** said the total width of the asphalt is 56 feet, and that a developer normally installs the first 27 feet and then the City widens it, but in this case it is the reverse. He said this is according to the City’s subdivision standards. **Mr. Forbush** said they would send Mr. Cook a copy of the agreement and set up a meeting. They are trying to put the culvert as part of the next construction project across Shepherd Creek. A permit from the State Engineer’s office has been obtained to install pipe. The next step, if Mr. Cook is agreeable, is to prepare bids to have the culvert installed.

Motion

David Hale moved to give conceptual approval to the agreement. The motion was seconded by **Rick Dutson**, and passed with Council Members **Dutson, Hale, Ritz, Young, and Alder** voting in favor.

DISCUSSION - PROPERTY BOUNDARY ISSUES NEAR NEW CITY HALL PROPERTY. (Agenda Item #14)

Max Forbush stated that Gary Payne of the Davis School District is favorable to the solution proposed by the City. The proposal Mr. Forbush had suggested is that all School-owned property on the west and south sides of the new City Hall be conveyed to the City since the property is being improved and maintained by the City. In turn, the City would grant a parking easement to the District on an adjacent City property. The Council briefly reviewed the issue and gave a general consensus of the proposed boundary configuration.

CITY MANAGER REPORT: (Agenda Item #15)

- **Bidding efforts between City and Benchland Water District**

Max Forbush distributed copies of an engineer’s cost estimate sheet prepared by J-U-B Engineers for Benchland Irrigation, and an Addendum to Benchland’s “Invitation to Bid.” He said Benchland is advertising for bids to do this work, and that they are having a walk-through with bidders on Tuesday. The City would like to intervene and suggest an Addendum to the bid documents allowing the City to participate on a joint bid project. He explained that Schedule A on the Addendum entails the district being in charge of digging their reservoir and hauling it, and the City would reimburse them for its share. Schedule B concerns the grading, shaping, and compaction for the “Road to the North.” Conoco has given word allowing the City to do this now. **Mr. Forbush** would like the Council’s approval to participate in a joint bid document. He said he believes the City will save close to a million dollars, and that Benchland may save a half a million dollars if this can be done cooperatively.

Mr. Forbush explained that Alternative #1 (Schedule A) entails working the with City, and Alternative #2 (Schedule B) requires that the material be hauled elsewhere and the City receives no benefit. The bid opening is on the 17th which is the next Council meeting. **Mr. Forbush** proposed that **Paul Hirst** prepare the Addendum for Alternative #1 and give them the City's specifications for the road work. He said he has discussed the details with the City Attorney who approves. He read from the proposed addendum regarding "Joint Bid - Basis of Bid Award". On bid day, both the City and Benchland will analyze the bids, and that night the Council will approve the interlocal agreement with Benchland and award a bid. **Mr. Forbush** verified that Scott Parsell of Benchland is on board with the proposal.

Dave Hale asked about a contingency with the Forest Service. **Mr. Forbush** read further from the "Joint Bid" section (a, b, and c) of the addendum with regard to this issue. He said the City will open bids which will be reviewed based on the criteria in the addendum, then come back to the City Council on the 17th. A Special Irrigation District meeting would be scheduled for the 19th which would approve the joint agreement and bids if everyone can come to terms.

Mr. Forbush showed the Council a map of the route to the site. He said the fill material the City is receiving will supply most, but not all of the material needed. Council members expressed their approval of the proposal.

- **Recycling/Delivery of Containers**

Mr. Forbush reported that delivery of recycling containers would start tomorrow morning. He said the pick-up calendar will have red days and blue days, and the first week of collection will be blue days. The containers will be delivered by the 18th or 20th of the month, and the goal is for all containers to be on site by Thanksgiving. Collection begins on Monday, November 30th. The containers are being delivered by trailers, and office staff is identifying container numbers by addresses.

- **Taxing Entity Committee Report**

Mr. Forbush reported that CenterCal is requesting a delay of one year before constructing improvements.. He also said that it is suspected, after speaking with Craig Trottier, that the Station Park development will probably break ground in the late spring or early summer of next year, and will open approximately a year after that. This means the tax increment year will be 2012, meaning the City will receive it in 2013. In 2012, CenterCal will pay half the cost of the "Road to the North." Between then and now, it needs to be determined how the finance the gap in time. **Mr Forbush** said that otherwise things are moving forward well.

GOVERNING BODY REPORTS: (Agenda Item #16)

- **Mayor Harbertson's Report**

Mayor Harbertson reported on the following items:

1. A meeting was held with UDOT officials who gave the approval to start on the “Road to the North”, in spite of the fact that there is not yet an access line. The trail underneath Park Lane along the EP railroad line was also discussed at the meeting, and confusion over ownership of the right-of-way is being cleared up.
2. A meeting was held with Lagoon concerning internet media with the Deseret News to help benefit their advertising scheme.
3. Following a meeting with residents around the new City Hall, it was decided that the fencing will have a rough rock look.
4. Wasatch Integrated Waste held the groundbreaking for its new recycling center.
5. The **Mayor** commended the Fire Department for the fire prevention open house.

- **City Council Reports**

Sid Young said that Rocky Mountain Pipeline needs to be held accountable concerning mitigation on cleaning up its project. He asked when the \$14,000 grant will be available for community wildfire protection, and **Max Forbush** responded that he would have this issue looked into.

Paula Alder commented that she has had low water pressure since the installment of a new water meter at her home. She also reported that an FYCC meeting would be held tomorrow night at 8:00 p.m.

Mayor Harbertson asked **Dave Petersen** for an update on the Asay brothers situation. **Mr. Petersen** said the City is still waiting for an easement.

MISCELLANEOUS Agenda Item #17)

- **Miscellaneous items**

Max Forbush explained that the Fire Department is requesting additional money for its Christmas party. This matter was discussed and it was decided that \$1,000 will be taken out of the ambulance fund that the existing budget of \$350 be authorized from the General Fund and any remaining costs should be covered by firefighter dues.

- **Minute Motion adjourning to closed session to discuss strategy as it relates to acquisition of real property and pending litigation.**

Closed Session

At 9:28 p.m. a motion to go into closed session to discuss strategy as it relates to the acquisition of real property and pending litigation was made by **Rick Dutson** and seconded by **David Hale**. The motion was approved by Council Members **Alder, Young, Ritz, and Hale**.

SWORN STATEMENT

I, Scott C. Harbertson, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

Scott C. Harbertson, Mayor

At 9:50 p.m. a motion to go back into open session was made by **David Hale** and seconded by **Rick Dutson** with all Council Members voting in favor the motion passed.

There being no further business and upon motion to adjourn by **David Hale** with a second by **Rick Dutson**, the meeting was adjourned at 9:50 p.m.

Margy Lomax, City Recorder
Farmington City